

MARICOPA COUNTY BOARD OF SUPERVISORS MINUTE BOOK

FORMAL SESSION
October 5, 2005

The Board of Supervisors of Maricopa County, Arizona convened in Formal Session at 9:00 a.m., October 5, 2005, in the Board of Supervisors' Conference Room, 301 W. Jefferson, Phoenix, Arizona, with the following members present: Max W. Wilson, Chairman, District 4; Don Stapley, Vice Chairman, District 2, Fulton Brock, District 1; Andrew Kunasek, District 3, and Mary Rose Wilcox, District 5. Also present: Fran McCarroll, Clerk of the Board; Shirley Million, Administrative Coordinator; Sandi Wilson, Deputy County Manager; Paul Golab, Deputy County Attorney and Anne Longo, Assistant Chief Counsel. Votes of the Members will be recorded as follows: aye-nay-absent-abstain.

INVOCATION

Janna Scott, Policy Advisor to Governor Napolitano for Faith and Community Initiatives, delivered the invocation.

PLEDGE OF ALLEGIANCE

Martin Camacho, Administrative Assistant in the Communications Department, led the assemblage in the Pledge of Allegiance.

PET OF THE MONTH

Julie Bank introduced the "Pet of the Month" from Maricopa County Animal Care & Control, Alishka, a two-year old blond Pekinese lap dog. Ms Bank reminded the public that the first Moonlight Muttiness & Meow will be held Saturday, October 8, where they hope to adopt out over 200 pets at the East Valley Animal Care Center, 2630 W. 8th Street.

EXCELLENCE IN FINANCIAL REPORTING PRESENTATION

Item: Presentation to the Board by Bill Scalzo, Chief Community Services Officer, of the Certificate of Achievement for Excellence in Financial Reporting that was recently awarded to the Stadium District.

Mr. Scalzo said the Stadium District received this certificate based on the decision of an impartial panel that considered high standards of a program. These standards included "A constructive spirit of full disclosure and an ability to clearly communicate its financial story and motivate potential users and user groups to read their report." He reported that the Stadium District has always made an effort to help people understand "that we are extremely successful and probably the best modeled stadium run by a government agency in the United States. We produce revenues, we don't expend revenues." He added that they'd used no tax dollars for Stadium District operation since 1997. He said, "There is no other publicly financed ball park in America that has done that."

Julie Schweigert said this report required a disclosure of the financial situation but the Stadium District went beyond that in a section called Management Discussion and Analysis and provided statistical information to help others gain a better understanding of the operation of the District. She and Mr. Scalzo presented the plaque to Chairman Wilson. (C6806001900) (ADM5509)

HOUSING HERO PRESENTATION

Dr. Sheila D. Harris, Director, Arizona Department of Housing, presented a Housing Hero Award to Supervisor Mary Rose Wilcox, on behalf of Governor Napolitano. Ms. Harris said that Supervisor Wilcox was being recognized as one of the Housing Heroes in the category of "Housing Is the Foundation" for her continued interest and dedication in bringing the Human Services Campus to fruition. (ADM650)

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Ms. Wilcox responded by saying the entire Board of Supervisors should get the award because the Board "has gone beyond the call of duty for the campus project." She added that this project was personally more heartfelt than any of the other projects she has been involved with in her public life. She said, "We're doing things because God put us here to do good for our fellow man and this award reflects that."

RECOGNITION OF MARICOPA MANAGED CARE SYSTEMS EMPLOYEES

Sandi Wilson recognized the Maricopa Managed Care Systems employees who had the difficult task of closing down the health plan and transferring the plan members to other health plans. She said this team had successfully reconciled approximately 800,000 back-logged claims to clear the system that had bogged down when OAO was in use. The difficulty of the transfer was compounded because many of the staff knew they would be laid off after it was completed. A Retention Incentive Agreement had been created for them to help compensate for their sacrifice in consenting to remain on the job through completion of the complex transition and Ms. Wilson complimented them for maintaining their professionalism, courage and tact throughout the process. She added that many of these employees have been aided in finding other employment at the County or in the private sector. She recognized the following and assisted Chairman Wilson and Mike Schaiberger, Director of the Health Plans, in giving a plaque to each person. (ADM2100-001)

Executive	Title
Biedess, Phyllis	Chief Executive Officer
Brennan, Cindy	Maricopa Long Term Care Plan Director
Conwell, Christi	Provider Services Director
Geoghan, Karen	Member Services/Grievance & Appeals Director
Howell-Bell, Wendella	Claims/Encounters & Reinsurance Director
Kline, Dick	TPA/Oversight Director
Lippman, Glenn, MD	Medical Director, Psychiatric Services
McCurdy, Joann	Special Projects Director
Mitchell, Rick	Chief Information Officer
Morgan, Deborah	Medical Services Director
Myers, Dianne	Executive Secretary
Nicholas, Susan	Compliance & Risk Management Director
Polan, Linda	Chief Financial Officer
Sartor, Lynn	Pharmacy Services Director
Shafa, Mehrdad, MD	Chief Medical Officer
Watkinson, Pat	Network Development and Contracting Director
Aguilar, Pat	Facets Configuration Manager

EMPLOYEE RECOGNITION AWARDS

Mike Gravino emceed the presentation of Employee Recognition Awards to those employees who have provided 30 years or more of public service to Maricopa County. Each employee came forward with their department heads to receive their award. Mr. Gravino also recognized Raylene Taylor's help and organizational skills in preparing this and previous award ceremonies. (C3506005900) (ADM3341):

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30 – 34 Years

Employee	Department	Years of Service
Robert S. Briney	Legal Defender	30 Years as of September 28, 1975
Joan D. Costello	County Attorney	30 Years as of August 22, 1975
Victoria Mills	County Attorney	30 Years as of September 2, 1975
Theressa A. Jackson	Trial Courts	30 Years as of September 30, 1975
Severiano Coronado, Jr.	Transportation	31 Years as of September 8, 1974
Armando De La Rosa	Transportation	30 Years as of September 23, 1975
Carlos O. Escandon	Transportation	30 Years as of September 16, 1975
Joe L. Estrada	Transportation	30 Years as of September 16, 1975
Frank A. Kelch	Sheriff's Department	30 Years as of September 3, 1975

35 Years or More

Employee	Department	Years of Service
Clyde A. Tess	Sheriff's Department	35 Years as of August 31, 1970
Franklin R. Waelde	Facilities Management	35 Years as of July 13, 1970

PUBLIC HEARING – LIQUOR LICENSE APPLICATIONS

Chairman Wilson called for a public hearing on liquor license applications. No protests having been received and no speakers coming forth at the Chairman's call, motion was made by Supervisor Wilcox and seconded by Supervisor Kunasek, to recommend approval of the following liquor license applications:

- a. Application filed by Ann M. Perla for a Special Event Liquor License: (F23164) (SELL683)

Business Name:	St. Clare of Assisi Women's Ministry
Location:	14818 W. Deer Valley Drive, Sun City West
Date/Time:	February 18, 2006; 5:00 pm to 11:00 pm

- b. Application filed by Joan Therese Cosson for a Special Event Liquor License: (F23164) (SELL691)

Business Name:	Catholic Daughters of the Americas, Court of Our Lady of Lourdes, #2278
Location:	14818 W. Deer Valley Drive, Sun City West
Date/Time:	October 29, 2005; 4:00 pm to 7:00 pm

- c. Application filed by Leonard A. Sowinski for a Special Event Liquor License: (F23164) (SELL692)

Business Name:	Men's Club, Our Lady of Lourdes Parish
Location:	14818 W. Deer Valley Drive, Sun City West
Date/Time:	October 22, 2005; 5:30 pm to 11:30 pm

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- d. Application filed by John E. Bertaut for a Special Event Liquor License: (F23164) (SELL693)

Business Name: Knights of Columbus Council #11809
Location: 19002 N. 128th Avenue, Sun City West
Date/Time: December 31, 2005; 5:00 pm to 12:30 am

- e. Application filed by John E. Bertaut for a Special Event Liquor License: (F23164) (SELL694)

Business Name: Knights of Columbus Council #11809
Location: 14818 W. Deer Valley Drive, Sun City West
Date/Time: October 25, 2005; 5:00 pm to 10:00 pm
November 22, 2005; 5:00 pm to 10:00 pm
December 13, 2005; 5:00 pm to 10:00 pm

- f. Application filed by Luis Ibarra for a Special Event Liquor License: (F23164) (SELL696)

Business Name: Friendly House, Inc.
Location: 7611 S. 29th Avenue, Laveen, 85339
Date/Time: October 29, 2005; 5:30 pm to 10:00 pm

- g. Application filed by Patricia Mary Majdecki for a Special Event Liquor License: (F23164) (SELL697)

Business Name: Catholic Daughters of America
Location: 15800 Del Webb, Sun City. 85351
Date/Time: October 26, 2005; 3:00 pm to 7:00 pm

- h. Application filed by Donald E. Majdecki for a Special Event Liquor License: (F23164) (SELL698)

Business Name: St. Clement's Men's Club
Location: 15800 Del Webb, Sun City. 85351
Date/Time: December 31, 2005; 6:00 pm to 12:00 am

- i. Application filed by Donald E. Majdecki for a Special Event Liquor License: (F23164) (SELL699)

Business Name: St. Clement's Men's Club
Location: 15800 Del Webb, Sun City. 85351
Date/Time: March 18, 2006; 6:00 pm to 11:00 pm

- j. Application filed by Duane Edward Loose for a Person-to-Person Transfer and a Transfer-of-Location of a Series 6 Liquor License from Shannon Rene Everett/New River Station Café and Saloon: (LL6159)

Business Name: Gavilan Peak Pizzeria and Lounge
Location: 46639 N. Black Canyon Highway, Suites 3 and 4, New River

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Former Location: New River Station Café and Saloon
47020 N. Black Canyon Highway, New River

Motion carried by majority vote (4-1) with Supervisors Stapley, Kunasek, Wilson and Wilcox voting "aye" and Supervisor Brock voting "nay."

PUBLIC HEARING – FIREWORKS DISPLAY

Chairman Wilson called for a public hearing on this matter. No protests having been received and no speakers coming forth at the Chairman's call, pursuant to A.R.S. §36-1603, motion was made by Supervisor Wilcox, seconded by Supervisor Brock, and unanimously carried ((5-0) to approve the following applications for Fireworks Display Permits: (ADM665)

- a. Application filed by Fireworks Productions of Arizona, LTD for an original Fireworks Display Application (ADM665-51):

Organization: Manzanita Speedway
Location: 3417 W. Broadway Road, Phoenix
Date/Time: October 22, 2005; 7:30 pm

- b. Application filed by Fireworks Productions of Arizona, LTD for an original Fireworks Display Application (ADM665-52):

Organization: Manzanita Speedway
Location: 3417 W. Broadway Road, Phoenix
Date/Time: November 10, 11and 12, 2005; 7:00 pm

ROAD DECLARED (ROAD FILE NO. A309)

No protests having been received and no speakers coming forth at the Chairman's call, motion was made by Supervisor Stapley, seconded by Supervisor Brock, and unanimously carried (5-0) that the following resolution be adopted: (C6406027B00)

WHEREAS, pursuant to A.R.S. §28-6701, on the 7th day of September, 2005, the County Engineer and others filed with the Board of Supervisors of Maricopa County, Arizona, a petition praying the Board to establish, open and declare as a county highway the following described lines, to-wit:

The South 25 feet of the North half of the North half of the Southwest quarter of said section, together with the North 25 feet of the South half of the North half of the Southwest quarter of Section 33.
Said roadway also known as Monte Vista Road from Jackrabbit Trail (aka 195th Avenue) to 191st Avenue.

WHEREAS, the day and hour set by the Board for a public hearing on said petition has arrived, and notice of said hearing has been given to the public by advertising once a week for two consecutive weeks in the Arizona Business Gazette; and

WHEREAS, no objections to the establishment, opening and declaration of said highway have been filed; and

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WHEREAS, the Board believes that the granting of said petition and the establishment, opening and declaration of the highway as prayed for in said petition, are for the best interests of Maricopa County, and said highway is a public necessity;

NOW, THEREFORE, BE IT RESOLVED that there is hereby established, opened and declared a county highway, more fully set forth hereinabove, and the County Engineer is hereby directed to make a plat of the survey of said highway and cause the same to be recorded in the Office of the County Recorder of Maricopa County as provided by law.

BE IT FURTHER RESOLVED that the Board accept any right-of-way or property donated to the State or County for said highway. The Board hereby accepts all U. S. Patent easement reservations, right-of-way or properties along this alignment into the Department of Transportation's Highway system.

BE IT FURTHER RESOLVED that the County Engineer be directed and authorized, and he is hereby so directed and authorized, to negotiate with owners of parcels of private property required for the right-of-way of said public highway with the view of obtaining for Maricopa County said private property, subject to the ratification and approval of this Board.

BE IT FURTHER RESOLVED that the County Attorney be directed and authorized, and he is hereby directed and authorized, to initiate and prosecute actions and proceedings in the manner required by law to condemn all property required for right-of-way which cannot be obtained by donation or purchase.

DATED this 5th day of October 2005.

TRANSFER REVENUE AND EXPENDITURE APPROPRIATION

Pursuant to A.R.S. §42-17106, motion was made by Supervisor Stapley, seconded by Supervisor Brock, and unanimously carried, (5-0) to,

- o Approve the transfer of revenue appropriation in the amount of \$181,000 and expenditure appropriation in the amount of \$262,000, from the Clerk of the Superior Court (160) Trial Courts Special Revenue Fund (259) to the Office Clerk of the Superior Court (160) Judicial Enhancement Fund (208) in FY 2005-06.
- o Authorize an operating transfer from the Clerk of the Superior Court (160) Trial Courts Special Revenue Fund (259) to the Clerk of the Superior Court (160) Judicial Enhancement Fund (208) in the amount of \$345,302 to transfer FY 2005-06 beginning fund balance.
- o Authorize an increase in expenditure authority in the Clerk of the Superior Court (160) Trial Courts Special Revenue Fund (259) in the amount of \$345,302, and an increase in the revenue appropriation in the Clerk of the Superior Court (160) Judicial Enhancement Fund (208) by \$345,302, to allow for the transfer between the funds. These transfers will be offset by corresponding adjustments to the Eliminations Fund (Department 980, Fund 900) for a net impact of zero.

This approval also allows for a technical correction to reflect a consolidation of funds and affects neither the amounts estimated to be spent nor the purposes to which the spending is to be applied. (C1606003800) (ADM1000)

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GRANT FROM ACJC FOR GANG PROSECUTION PROGRAM

Motion was made by Supervisor Stapley, seconded by Supervisor Brock, and unanimously carried, (5-0) to approve receipt of grant funds from the Arizona Criminal Justice Commission (ACJC) for the FY 2005-06 Gang Prosecution Program in the amount of \$302,083.00. These grant funds are provided to enhance efforts to prosecute gang offenders. This Grant Agreement, ACJC No. GP-06-092, will commence on July 1, 2005, and will terminate on June 30, 2006. This award agreement will be used to support three full-time employee (FTE) Prosecutors, one Legal Support Specialist, and one FTE Paralegal. This grant will expire at the end of the award period unless prior written approval for an extension has been obtained from ACJC. Payment of these grant funds are conditioned upon the availability of funds appropriated for the payment of such obligation. The grant funds may not be expended for any indirect costs which may be incurred by the Maricopa County Attorney's Office or Maricopa County for the administration of this grant. The Maricopa County Department of Finance has calculated the County Attorney's composite indirect cost rate at 16%. The non-recoverable indirect cost of administering this grant is \$48,333.28. The funding for this grant is included in the FY 2005-06 budget. Therefore, no budget amendment for the County Attorney (190) Grant Fund (219) is authorized. Approval of this action does not alter the budget constraining the expenditure of local revenues duly adopted by the Board pursuant to A.R.S. §42-17105. (C1906015300)

GRANT FROM ARIZONA PEACE OFFICER STANDARDS AND TRAINING BOARD

Motion was made by Supervisor Stapley, seconded by Supervisor Brock, and unanimously carried, (5-0) to approve receipt of grant funds from the Arizona Peace Officer Standards and Training Board (AZ POST) in the amount of \$30,229.00. These grant funds are intended to be used exclusively for reimbursement of expenditures related to the training of law enforcement officers in advanced forensic interviewing of children. This training is in compliance with the Child Abuse/Child Sexual Assault Protocol training standards set forth in A.R.S. §8-817.B6, per House Bill 2024 of the 64th Legislative Second Special Session enacted December 18, 2003. This grant agreement commenced on July 1, 2005, and will terminate on June 30, 2006. The grant funds may not be expended for any indirect costs that may be incurred by the Maricopa County Attorney's Office or Maricopa County for the administration of this grant. The Maricopa County Department of Finance has calculated the County Attorney's composite indirect cost rate at 16.0%. The non-recoverable indirect cost of administering this grant is \$4,836.64. Approve revenue and expenditure appropriation increase adjustments to the County Attorney's Office (190) Grants Fund (219) associated with the grant in an amount of \$30,229.00 for FY 2005-06. Grant revenues are not local revenues for the purpose of the constitutional expenditure limitation, therefore, expenditure of the funds is not prohibited by the budget law. This budget adjustment does not alter the budget constraining the expenditure of local revenues duly adopted by the Board pursuant to A.R.S. §42-17105. (C1906016300)

RESOLUTION REGARDING THE AZDEM DESIGNATION OF APPLICANT'S AGENT

Motion was made by Supervisor Stapley, seconded by Supervisor Brock, and unanimously carried, (5-0) to adopt a resolution regarding the Arizona Division of Emergency Management (AZDEM) Designation of Applicant's Agent to the Deputy Chief of the Maricopa County Sheriff's Office Financial Management Bureau. This resolution allows the Designated Applicant's Agent to execute and file with the appropriate authorities any applications necessary for Maricopa County Sheriff's Office to receive financial assistance under the Disaster Relief Act or from the disaster relief fund, as is otherwise available. This form is solely for in-state involvement with Operation Good Neighbor (PCA 26003). Reimbursement requests are anticipated for overtime and other potential expenses that might be incurred while performing cooperative

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law enforcement services, such as escorting busses and groups of people who have relocated to Arizona as a result of Hurricane Katrina. (C5006017M00) (ADM904-001) (ADM3900)

**RESOLUTION
DESIGNATION OF APPLICANT'S AGENT**

The intent of this RESOLUTION is to appoint an APPLICANT'S AGENT for the following term: For PCA No. 26003 only

BE IT RESOLVED by the Board of Supervisors of Maricopa County that Loretta M. Barkell, Deputy Chief, Financial Management Bureau, is hereby authorized to execute for, and on behalf of the Maricopa County Sheriff's Office, an entity established under the laws of the State of Arizona, this application and to file it in the appropriate state office for the purpose of obtaining certain financial assistance under the Disaster Relief Act or as otherwise available from the disaster relief fund.

THAT Maricopa County, an entity established under the laws of the State of Arizona, hereby authorizes its agent to provide information to state and federal authorities for all matters pertaining to disaster assistance.

DATED this 5th day of October 2005.

/s/ Max Wilson, Chairman of the Board

ATTEST:

/s/ Fran McCarroll, Clerk of the Board

AMENDMENT OF APPOINTMENTS AS PRO TEMPORE JUSTICES

Motion was made by Supervisor Stapley, seconded by Supervisor Brock, and unanimously carried, (5-0) to amend the action taken on December 15, 2004, Nunc Pro Tunc, to approve the appointment of the Court Commissioners as Superior Court Judges Pro Tempore, as well as, Pro Tempore Justices of the Peace for the period from January 1, 2005 through December 31, 2005, to serve in the various programs in the Superior Courts and Justice Courts to reduce trial delay. (List on file in the Office of the Clerk of the Board) (C3805017701) (ADM1001)

AMENDMENT WITH AHCCCS TO EXTEND THE TERM OF THE IGA

Motion was made by Supervisor Wilcox, seconded by Supervisor Kunasek, and unanimously carried, (5-0) to approve the "Arizona Health Care Cost Containment System Administration Division of Business and Finance Intergovernmental Agreement Amendment" between the Arizona Health Care Cost Containment System Administration (AHCCCS) and Maricopa County, numbered YH05-0024-01. The amendment extends the term of an IGA, which the Board of Supervisors approved in agenda number C2605009200. The amendment extends the term of the IGA from June 1, 2005 through May 31, 2006. All other terms of the IGA remain the same. (C2606001200)

PERSONNEL AGENDAS

Motion was made by Supervisor Wilcox, seconded by Supervisor Kunasek, and unanimously carried, (5-0) to approve Maricopa County (Exhibit A) and Judicial Branch (Exhibit B) Personnel Agendas. Exhibits A and B will be found at the end of this set of Minutes.

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TRANSFER FUNDS FOR GAINSHARING PROGRAM AWARDS

Motion was made by Supervisor Wilcox, seconded by Supervisor Kunasek, and unanimously carried, (5-0) to approve the annual (July 1, 2004 through June 30, 2005) gainsharing award for eligible employees who participated in the Department of Finance, Collection Gainsharing Program. The Board of Supervisors approved this program on October 20, 2004 (C3505011000). Pursuant to A.R.S. §42-17106B, approve the transfer of \$13,806 in expenditure appropriation from Appropriated Fund Balance (480) General Fund (Fund 100) General Contingency (4811) to Appropriated Fund Balance (480) General Fund (Fund 100) Other Programs (4812) "Gainsharing Program Awards" to fund these awards. (C4906009800) (ADM3345)

AMENDMENT REGARDING LEASE FOR OFFICE SPACE

Motion was made by Supervisor Wilcox, seconded by Supervisor Kunasek, and unanimously carried, (5-0) to approve an amendment to agenda item C8604009400, dated July 7, 2003, which approved Lease No. L7338 with City Square Associates LLC, a Delaware limited liability company, for 12,417 square feet of office space at 3838 N. Central Avenue, Suite 1600. Effective August 18, 2005, the building for the subject lease was sold to Pacific Office Properties Trust, located at 3838 N. Central, LLC. All terms of the lease remain the same, with only the ownership of the building and the lease changing hands. As such, this is an informational request. (C8604009401)

FUNDS FROM ADHS FOR DISTRIBUTION OF ARIZONA DRUG ASSISTANCE PROGRAM

Motion was made by Supervisor Wilcox, seconded by Supervisor Kunasek, and unanimously carried, (5-0) to approve acceptance of additional funds from the Arizona Department of Health Services (ADHS) for the Distribution of Arizona Drug Assistance Program in the amount of \$32,250. The grant award period is from April 1, 2004 through March 31, 2009. This grant was previously approved on our 2004/2005 Letter of Intent (C86040453LI) in the amount of \$100,000. The Public Health Department's indirect rate is 16.7%. Grant indirect costs are reimbursable at a rate of 10%. Full indirect costs are estimated at \$4,608, of which \$2,932 is recoverable and \$1,676 is unrecoverable. Also approve revenue and expenditure adjustments to the Public Health Department's Grant Fund (Department 861, Fund 532) associated with the grant in an amount not-to-exceed \$32,250. The appropriation adjustment is necessary because these funds were not included in the FY 2005-06 budget. Grant revenues are not local revenues for the purpose of the constitutional expenditure limitation, therefore, expenditures of these revenues are not prohibited by the budget law. This budget adjustment does not alter the budget constraining the expenditures of local revenues duly adopted by the Board pursuant to §42-17105. (C8605476102)

IGA WITH MIHS FOR MASK FIT-TESTING SERVICES

Motion was made by Supervisor Wilcox, seconded by Supervisor Kunasek, and unanimously carried, (5-0) to approve an intergovernmental agreement (IGA) between Maricopa County, by and through its Department of Public Health, Biodefense Preparedness and Response Unit (BDPR), and Maricopa County Special Health Care District d.b.a. Maricopa County Integrated Health System (MIHS), to allow MIHS to perform mask fit-testing services to the employees of Public Health. The term of the agreement shall begin upon Board of Supervisors' approval, for a period of three years. The amount of the agreement shall be \$10,000 per year, for a total not-to-exceed \$30,000. Funding for this agreement is provided by a grant from the Arizona Department of Health Services and will not affect the county general fund. (C8606013200)

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CONTRACT WITH ARIZONA BOARD OF REGENTS FOR WELL WOMEN HEALTH CHECK SERVICES

Motion was made by Supervisor Wilcox, seconded by Supervisor Kunasek, and unanimously carried, (5-0) to approve a contract with the Arizona Board of Regents for Arizona State University, Community Health Services Clinic, to provide well women health check services to uninsured or underinsured women. The contract term is retroactive from August 1, 2005, and continues through July 31, 2008, for not-to-exceed amount of \$106,000 per year. The contract term is retroactive from August 1, 2005, due to not obtaining the documents from the grantor in time. The Arizona Board of Regents for the Arizona State University, Community Health Services Clinic was a successful respondent to a Review of Qualifications (MC1-348) issued by the Maricopa County Department of Public Health on June 10, 2005 (PH ROQ 05-008). (C8606023100)

AGREEMENT WITH VALUE OPTIONS FOR BEHAVIORIAL HEALTH SERVICES

Motion was made by Supervisor Wilcox, seconded by Supervisor Kunasek, and unanimously carried, (5-0) to retroactively approve a behavioral health fee-for-service agreement with Value Options, Inc. The agreement will allow the Maricopa County Department of Public Health's Healthcare for the Homeless Program to bill Value Options for behavioral health services provided to eligible or enrolled clients. The initial term of the agreement is from July 1, 2005 through June 30, 2006, for a maximum amount of \$85,714. The agreement also contains a one-year automatic renewal to June 30, 2007. (C8606025100)

The Chairman recognized Blue Crowley, citizen, who said the homeless program has been trying to get this money for two years, "we could double the amount of homeless being addressed with it" and he thanked the County's help in getting these funds moving.

APPOINTMENTS TO PHOENIX EMA RYAN WHITE TITLE I PLANNING COUNCIL

Motion was made by Supervisor Wilcox, seconded by Supervisor Kunasek, and unanimously carried, (5-0) to confirm the following individuals as members of the Phoenix EMA Ryan White Title I Planning Council:

Name	Representation	Term
John Zielinski	General Public	October 1, 2005 through September 30, 2007
Cordell Lee	General Public	October 1, 2005 through September 30, 2007

Confirm Lee Cox, as alternate for Fran Garrett as General Public representation, to the Phoenix EMA Ryan White Title I Planning Council. (C8606027900) (ADM2153-001)

IGAs FOR TOBACCO USE PREVENTION AND EDUCATION SERVICES

Motion was made by Supervisor Wilcox, seconded by Supervisor Kunasek, and unanimously carried, (5-0) to approve the following intergovernmental agreements (IGAs) to provide school-based tobacco use prevention and education services. The term of the agreements is retroactive from July 1, 2005 through May 1, 2006:

- a. Peoria Unified School District, for a contract dollar amount not-to-exceed \$55,000. (C8606409200)

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- b. Glendale Elementary School District, for a contract dollar amount not-to-exceed \$18,000. (C8606434200)

CONTRACT WITH MOSAICA, INC. FOR TECHNICAL ASSISTANCE CONSULTATION

Motion was made by Supervisor Wilcox, seconded by Supervisor Kunasek, and unanimously carried, (5-0) to approve the contract with Mosaica, Inc. for the provision of technical assistance consultation for Ryan White Title I Services. Mosaica, Inc. has provided technical assistance to the Ryan White Title I program in the Phoenix EMA since March 1, 2005, as part of the restructuring efforts of the Ryan White Planning Council and Administrative office. The Department of Health Services and Resources Administration has requested that the Department of Public Health enter into a cost sharing agreement with Mosaica, Inc. to continue the restructuring. The term of the contract is retroactive to September 1, 2005, and continues through February 28, 2006, for a contract amount of \$75,000. This agreement is covered under MC1-102(C) of the Maricopa County Procurement Code. (C8606799100)

CORRECT ACTION TO AMENDMENT WITH CITY OF PHOENIX FOR DIETETIC INTERNSHIP PROGRAM

Motion was made by Supervisor Wilcox, seconded by Supervisor Kunasek, and unanimously carried, (5-0) to approve an administrative correction to C8697040201, an amendment to a non-financial affiliation agreement, between Maricopa County, through its Department of Public Health, and the City of Phoenix, through its Human Services Department for the dietetic internship program. Correct the expiration date of the amendment to June 30, 2009, and correct the amendment number from Amendment No. 1 to Amendment No. 2. (C8697040203)

IGAs FOR FOOD CATERING SERVICES FOR HEAD START PROGRAM

Motion was made by Supervisor Stapley, seconded by Supervisor Wilcox, and unanimously carried, (5-0) to approve the following intergovernmental agreements (IGAs) for the provision of food catering to participants in the Maricopa County Head Start Program. The IGAs require that the school districts provide a minimum 2/3 of the daily-recommended dietary allowances based on a fixed price per unit of service. The term of the IGAs is October 1, 2005 through September 30, 2006. These agreements do not include any county general funds:

- a. **Chandler Unified School District.** The IGA represents a fixed price agreement for each meal and snack served for an amount not-to-exceed \$119,294. The Arizona Department of Education's Child/Adult Care Food Program and the U. S. Department of Health and Human Services provide funding for the IGA. (C2206079200)
- b. **Kyrene Elementary School District.** The IGA represents a fixed price agreement for \$12,712. The Arizona Department of Education's Child/Adult Care Food Program, School Breakfast Program, the National School Lunch Program, and the U. S. Department of Health and Human Services provide funding for the IGA. (C2206080200)
- c. **Mesa Unified School District.** The IGA represents a fixed price agreement for each meal and snack served for an amount not-to-exceed \$331,258. The Arizona Department of Education's Child/Adult Care Food Program and the U. S. Department of Health and Human Services provide funding for the IGA. (C2206081200)

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- d. **Scottsdale Unified School District.** The IGA represents a fixed price agreement for \$41,309. The Arizona Department of Education's Child/Adult Care Food Program, School Breakfast Program, the National School Lunch Program, and the U. S. Department of Health and Human Services provide funding for the IGA. (C2206083000)

DESIGNATE MS. ANNETTE STEIN AS APPLICANT AGENT FOR OPERATION GOOD NEIGHBOR

Motion was made by Supervisor Stapley, seconded by Supervisor Wilcox, and unanimously carried, (5-0) to approve the designation of Ms. Annette Stein, Maricopa County Human Services Director, as the Applicant Agent for Operation Good Neighbor. This designation will allow the Department to request reimbursement from the State of Arizona Division of Emergency Management for costs incurred while providing emergency services to Hurricane Katrina victims. (C2206147800) (ADM2500) (ADM904-001)

DONATION TO ANIMAL CARE & CONTROL

Motion was made by Supervisor Stapley, seconded by Supervisor Brock, and unanimously carried, (5-0) to approve the acceptance of a restricted donation from the Town of Paradise Valley, Arizona, to Animal Care & Control, in the amount of \$1,000, to help subsidize the cost for low-income families in the northeast valley who wish to spay or neuter their pets. Donation revenue funds are deposited into Fund (573) as they are received. (C7906015700) (ADM2300)

RENEW KENNEL PERMITS

Motion was made by Supervisor Stapley, seconded by Supervisor Brock, and unanimously carried, (5-0) to approve the following kennel permit renewals for the term of October 5, 2005 through October 4, 2006. The cost of each kennel permit is \$90:

- a. Wilma Freeman, DVM, d.b.a. Freeman Kennels, 10837 W. Miami Road, Tolleson, AZ 85353, Permit #077. (Supervisory District 5) (C7906016C00) (ADM2304)
- b. Yolanda Martin, d.b.a. My Song Pek Park, 3221 W. Alice Avenue, Phoenix, AZ 85051, Permit #295. (Supervisory District 4) (C7906016C00) (ADM2304)
- c. Sandra Lawson, d.b.a. Lawson Kennels, 22942 W. Gibson Lane, Buckeye, AZ 85326, Permit #339 (Supervisory District 5) (C7906017C00) (ADM2304)
- d. Bruce Shane, d.b.a. Xishan, 7400 W. Mission Lane, Peoria, AZ 85345, Permit #325 (Supervisory District 4) (C7906017C00) (ADM2304)
- e. Shirley Banderet, d.b.a. B-Z-Bs Chihuahuas, 4424 W. Tierra Buena Lane, Glendale, AZ 85306, Permit #382 (Supervisory District 4) (C7906018C00) (ADM2304)

KENNEL PERMIT

Motion was made by Supervisor Stapley, seconded by Supervisor Brock, and unanimously carried, (5-0) to approve the issuance of a kennel permit to Janet Leaman, d.b.a. Leaman Kennels, 524 W. Lavitt Lane, Phoenix, AZ 85086, Permit #420, for the term of October 5, 2005 through October 4, 2006. The cost of the kennel permit is \$90. (Supervisory District 3) (C7906019C00) (ADM2304)

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FUND TRANSFERS

Motion was made by Supervisor Stapley, seconded by Supervisor Brock, and unanimously carried, (5-0) to approve regular and routine fund transfers from the operating funds to clearing funds including payroll, work authorizations, journal entries, allocations, loans, and paid claims. Said claims having been recorded on microfiche retained in the Department of Finance in accordance with the Arizona State Department of Library Archives and Public Records retention schedule, and incorporated herein by this reference.

AMENDMENT WITH CITY OF PHOENIX FOR LEASE OF LABORATORY SPACE

Motion was made by Supervisor Stapley, seconded by Supervisor Brock, and unanimously carried, (5-0) to approve and execute a first amendment to an Intergovernmental Agreement (IGA), Lease No. MC10145 with the City of Phoenix, for lease of laboratory space in the Forensic Science Center to be solely used by the Phoenix Police Department's Laboratory Services Bureau. The amendment will add secure parking for City of Phoenix-owned evidence and secure document vehicle, at no additional cost, for the term of the lease. (C1805007201)

SOLICITATION SERIALS

Motion was made by Supervisor Stapley, seconded by Supervisor Brock, and unanimously carried, (5-0) to approve the following solicitation serial items. The action on the following items is subject to County Counsel's review and approval of the respective contracts and subsequent execution of contracts. (ADM3005)

Award of Solicitation Serials

- 05075-ROQ Mitigation Specialists – OCC** (\$1,000,000 estimate/three years with three one-year renewal options). Contract to provide mitigation specialist services for indigent clients of the Office of Contract Counsel.
- o Constance Curtin
 - o Alan Ellis
 - o Christine Lawrence
 - o Mayberry Mitigation Services
 - o Gilbert Nunez
 - o Randall Walker
 - o David K. Wilcox
- 05085-RFP Marketing Consultant** (\$92,000 estimate/three years with three one-year renewal options). Contract for marketing consultant services for Maricopa County contingent on available funding.. This item is contingent upon approval of funding.
- o Front Row Marketing Services, LP
- 05099-C Asphalt Acrylic Seal and Petroleum Resin** (\$4,500,000 estimate/three years with three one-year renewal options). Pricing agreement to purchase asphalt acrylic seal and petroleum resin for chip sealing of county roadways maintained by the Department of Transportation.
- o Ergon Asphalt Products

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- 05109-C Traffic Signal Hardware/Components and Related Hardware** (\$600,000 estimate/three years with three one-year renewal options). Pricing agreement to purchase traffic signal hardware/components and related supplies for the maintenance of highway signage as requested by the Department of Transportation.
- o Phoenix Hwy Products, Inc.
 - o Traffic Parts, Inc.
 - o Traffic Sensor Corp.
- 05113-S Mobile Ultrasound and Radiology Reading Services – CHS** (\$1,200,000 estimate/three years with three one-year renewal options). Price agreement to provide mobile ultrasound and radiology reading services for Correctional Health Services.
- o Arcadia Radiology & Breast Center, Ltd

CAPA

The following individual has successfully completed training provided by Materials Management and will be able to conduct nominal value procurements in selected areas for their individual agencies in accordance with the approved Certified Agency Procurement Aide Policy and Procedures.

Public Health

Annamarie Freas

SETTLEMENT OF BAIRD V. MARICOPA COUNTY

Motion was made by Supervisor Stapley, seconded by Supervisor Brock, and unanimously carried, (5-0) to approve the settlement of the Baird v. Maricopa Medical Center lawsuit, CV04-007622 in the amount of \$300,000. This item was discussed in Executive Session on September 19, 2005. (C7506008100) (ADM409)

AMENDMENTS TO FIVE YEAR CAPITAL IMPROVEMENT PLAN

Pursuant to A.R.S. §42-17106(B), motion was made by Supervisor Wilcox, seconded by Supervisor Kunasek, and unanimously carried, (5-0) to approve the following amendments to the FY 2005-06 five-year Capital Improvement Plan, Department (470): (ADM631-001) (ADM1203)

Southeast Justice Center

- o Rename the Southeast Consolidated Justice Courts/Parking Structure project to the Southeast Justice Center,
- o Increase FY 2004-05 projected expenditures to final actual expenditures for the Southeast Justice Center Fund (435) by \$4,478, from \$0 to \$4,478, and adjust the project budget by decreasing Year 1 (FY 2005-06) by \$4,478, from \$8,000,000 to \$7,995,522,
- o Increase the project budget in Fund (445), Year 2 (FY 2006-07) by \$26,700,000, from \$6,125,000 to \$32,825,000, and
- o Authorize the Facilities Management Department to proceed with the execution and the management of the completion of programming, design, and construction of the project.

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Southwest Consolidated Justice Courts

- o Increase FY 2004-05 projected expenditures to final actual expenditures for the Southwest Consolidated Justice Courts Fund (435) by \$23,130, from \$40,000 to \$63,130, and adjust the project budget by decreasing Year 1 (FY 2005-06) by \$23,130, from \$5,895,000,
- o Increase the existing project titled Southwest Consolidated Justice Courts by \$12,500,000 in Fund (435) Year 1 (FY 2005-06), totaling \$18,371,870, and
- o Authorize the Facilities Management Department to proceed with the execution and the management of the completion of programming, design, and construction of three Early Disposition Courts/Regional Court Centers and MCSO Substation, in addition to the already approved five Justice Courts.

San Tan Consolidated Justice Courts

- o Rename the Chandler Consolidated Justice Courts to the San Tan Consolidated Justice Courts,
- o Increase FY 2004-05 projected expenditures to final actual expenditures for the San Tan Consolidated Justice Courts Fund (435) by \$230,817, from \$20,000 to \$250,817, and adjust the project budget by decreasing Year 1 (FY 2005-06) by \$230,817, from \$5,080,000,
- o Increase the existing project by \$4,000,000, Fund (435) in Year 1 (FY 2005-06), totaling \$8,849,183, and by \$1,000,000 in Year 2 (FY 2006-07) and increase the project by \$852,502 in Year 2 (FY 2006-07) in Fund (445), and
- o Authorize the Facilities Management Department to proceed with the execution and the management of the completion of programming, design, and construction of two additional Justice Courts in addition to the already approved two Justice Courts.

Also, direct the Department of Finance to identify financing options for these expansion projects to be approved at a future Board meeting. Direct the Office of Management and Budget to include the appropriate fund transfers in the FY 2006-07 recommended budget. (C7006007800) (ADM800-003)

Supervisor Brock spoke on the San Tan Consolidated Justice Courts, thanking the City of Chandler officials for their cooperation in donating the land for the court. He encouraged other cities to do likewise and said the Board would always be happy to meet with local representatives on the matter.

Supervisor Wilcox congratulated former Superior Court Presiding Judge Colin Campbell on the finalization of his plans to consolidate the Justice Courts. She said the consolidation has now been completed and it makes the courts more efficient and easier for clients to access.

EASEMENT, RIGHT-OF-WAY, AND RELOCATION ASSISTANCE DOCUMENTS

Motion was made by Supervisor Wilcox, seconded by Supervisor Kunasek, and unanimously carried, (5-0) to approve easements, right-of-way documents, and relocation assistance for highway and public purposes as authorized by road file resolutions or previous Board of Supervisors' action. (ADM2007)

A257.005 Project No: TT028 – 571st Ave. (Hyder Road to Butterfield Road) – Right-of –Way –
(HH) R/W No. 16-109312 – State of Arizona.

A339.001 Project No: TE198 – Litchfield & Peoria – Temporary Right of Entry License - Parcel

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- (CS) No.: 501-43-015C – Property Reserve Arizona, LLC - for the sum of \$500.00.
- A339.010
(JPM) Project No: TE188 – R.H. Johnson Boulevard @ Stardust Boulevard – Agreement for Right of Entry - Parcel No.: 232-17-953 (a portion of) – Robert S. Bailey and Janice V. Bailey, Trustees – for the sum of \$500.00
- N/A
(LS) Project Nos: 68931 and 80408 – Alma School Road Bridge Widening (South Channel) and Alma School Road Bridge Grade Control Structure (North Channel) – Application for Right of Way – Salt River Pima-Maricopa Indian Community.
- N/A
(LS) Project Nos: 68931 and 80408 – Alma School Road Bridge Widening (South Channel) and Alma School Road Bridge Grade Control Structure (North Channel) – Grant of Easement for Right-of-Way – the United States of America, acting by and through its Superintendent, Salt River Agency, Phoenix Area Office, Bureau of Indian Affairs, Department of the Interior, Phoenix, Arizona - for the sum of \$486,500.00.

REQUEST TO CLOSE CLAREMONT STREET EAST OF 135TH AVENUE

Item: Approve the recommendation to deny the petition request to close Claremont Street east of 135th Avenue. The Maricopa County Department of Transportation received a petition with 94 signatures, representing 73 of 1631 lots (4%) in the Dreaming Summit development, requesting closure of Claremont Street, east of 135th Avenue. Closing the roadway would limit the traffic circulation in the area, creating delayed response time for emergency vehicles, increased trip length to residents, and limiting emergency access to fire hydrants. The Maricopa County Department of Transportation, the Maricopa County Sheriffs Office and the Rural-Metro Fire Department all object to this request. This item is continued from the September 21, 2005, Formal Board meeting. (C6406039000) (ADM2017)

Chairman Wilson recognized citizen Suzanne Carson, Dreaming Summitt HOA, who wished to address this matter. Ms. Carson said the Dreaming Summitt HOA still opposes the denial of closure of Claremont Street. She said that while the figures and facts do reflect 1,631 homes, the homes directly affected by denying the closure number only 217. Therefore, the petition submitted reflects approximately 50% of homeowners. She added that the majority of homes in Dreaming Summitt would not be affected by the closure.

Motion was made by Supervisor Wilcox, seconded by Supervisor Kunasek, and unanimously carried, (5-0) to approve the recommendation to deny the petition request to close Claremont Street east of 135th Avenue.

ASSIGNMENT OF RIGHT-OF-WAY PERMIT FOR 32ND STREET & PINNACLE PEAK ROAD – CONTINUED

Item: Approve an application for the assignment of Maricopa County Board of Supervisors' interests in a right-of-way permit granted by the Arizona State Land Department on March 5, 1965. The County's interest in this permit will be assigned to the City of Phoenix, a municipal corporation. The right-of-way permit, known as Arizona State Land Department R/W No. 09-3701, is for a 40 foot width of right-of-way located within Sections 13, 14, and 24 of T4N, R3E G&SRB&M, Maricopa County, Arizona on approximately the 32nd Street alignment south of Pinnacle Peak Road. This area has been annexed by the City of Phoenix and is under jurisdiction of the city. A filing fee of \$200 is required by the State Land Department to process this assignment of property rights. (C6406048B00) (ADM2007-001) The Clerk announced this item had been continued to the November 2, 2005, meeting.

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APPOINTMENT OF JASON RUSSELL TO THE BOARD OF EQUALIZATION

Motion was made by Supervisor Wilcox, seconded by Supervisor Kunasek, and unanimously carried, (5-0) to appoint Mr. Jason Russell to the Board of Equalization, replacing Mr. Hans Nilsen who resigned, with a term effective from Board of Supervisors' approval through February 19, 2007. (Clerk's Note: The Board was incorrectly listed on this action. Mr. Russell was supposed to be appointed to the Board of Adjustments. The correction from the Board of Equalization to the Board of Adjustment was approved on the October 19 agenda. (This note is not part of the official minutes)(ADM4908)

SETTING OF HEARINGS

Motion was made by Supervisor Stapley, seconded by Supervisor Brock, and unanimously carried, (5-0) to set the following hearings. All hearings will be held at 301 W. Jefferson, Tenth Floor, Phoenix, unless otherwise noted:

- a. **Franchise** – A public hearing for 9:00 a.m., Wednesday, November 2, 2005, to solicit comments on the application filed by Water Utility of Greater Tonopah, Inc. for a public service franchise for a domestic water distribution system. (F23185)
- b. **Planning and Zoning Cases** – Schedule a public hearing on any Planning, Zoning and Building Code cases in the unincorporated areas of Maricopa County for November 2, 2005, at 9:00 a.m. in the Board of Supervisors Auditorium, as follows:

Z2005018; Z2005059; Z2005003

ASRS CLAIMS

Motion was made by Supervisor Stapley, seconded by Supervisor Brock, and unanimously carried, (5-0) to authorize payment of claims submitted by the Arizona State Retirement System, on behalf of current or former employees regarding contributions not withheld for purposes of participation in the Arizona State Retirement System. Amounts stated here may be recalculated employer payments to show accrued interest payments. (ADM3309-001)

<u>Employee Name</u>		<u>Total Employer Cost</u>	<u>Recosted Total</u>
Prince	Mary	\$540.12	
Ward	Paul	\$962.16	
Martin	Rhonda	\$4,545.75	
Turner	Catherine	\$10,188.01	
Rhodes	Patricia	\$2,286.16	
Patterson	S	\$22,454.51	
Romero	Jose	\$16,865.05	
Langrehr	Dennis	\$36,264.45	
Bigley	Joseph	\$55,033.55	
Weiss	Bethany		\$16,615.76

CANVASS OF ELECTIONS

No canvasses of elections were submitted by a special district for approval at this time.

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CLASSIFICATION CHANGES

Pursuant to A.R.S. §42-12054, motion was made by Supervisor Stapley, seconded by Supervisor Brock, and unanimously carried, (5-0) to approve the Assessor's recommendation to change classification and/or reduce the valuation of certain properties which are now owner-occupied. (ADM723)

<u>Parcel Number</u>	<u>Year</u>	<u>Owner</u>	<u>Class From:</u>	<u>Class To:</u>
111-39-106	2005	Kasper Douglas	CI/4	CI/6.1
112-14-078	2003	Thelma Lynch	CI/4	CI/3
112-14-078	2004	Thelma Lynch	CI/4	CI/3
112-14-078	2005	Thelma Lynch	CI/4	CI/3
115-46-170	2003	Francisca Mcknight	CI/6	CI/3
115-46-170	2004	Francisca Mcknight	CI/6	CI/3
115-46-170	2005	Francisca Mcknight	CI/6	CI/3
116-31-054a	2005	Dombeck Raleigh	CI/3	CI/6.1
118-47-086a	2005	Davis Eugenia	CI/4	CI/6.1
118-49-007	2005	Mansfield Matthew	CI/3	C/L6.1
135-67-016	2005	Brian Peterson	CI/4	CI/4 = 42% CI/3 = 58%
145-07-214	2004	Kelley Haven	CI/4	CI/3
145-07-214	2005	Kelley Haven	CI/4	CI/3
15-03-0319	2005	Vista Investments Llc	CI/4	CI/3
166-15-004m	2005	Jerry Roper	CI/4	CI/3
173-31-096	2003	Jeannine Duggins	CI/4	CI/3
173-31-096	2004	Jeannine Duggins	CI/4	CI/3
174-20-039	2003	James Young	CI/4	CI/3
174-20-039	2004	James Young	CI/4	CI/3
174-20-039	2005	James Young	CI/4	CI/3
301-69-050	2005	Zembra Everett	CI/4	CI/3
303-60-660	2003	Osemarie Mcgrath	CI/4	CI/3
303-60-660	2004	Osemarie Mcgrath	CI/4	CI/3
303-60-660	2005	Osemarie Mcgrath	CI/4	CI/3

COMBINED CHARITABLE CAMPAIGN

No cash or in-kind contributions for the 2006 Combined Charitable Campaign were reported at this time. (ADM3311-002)

COMPROMISES

Motion was made by Supervisor Stapley, seconded by Supervisor Brock, and unanimously carried, (5-0) to accept the requested compromises as payment in full. This item was discussed in Executive Session on September 19, 2005. (ADM407)

Bricklin	Richard	\$1,200.00
Castaneda	David	\$3,200.00
Dias	Alexis	\$10,000.00
Keillar	Micah	\$25,000.00

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Martinez	Daniel A.	\$2,200.00
Patterson	Kristine	\$825.00
Quam	Regan	\$3,800.00
Ramirez	Raquel	\$4,323.00
Rosa	Carla	\$5,013.04
Rusing	Shae	\$1,707.15
Salas	Lynette	\$1,000.00
Simpson	Jill	\$7,000.00

DUPLICATE WARRANTS

Necessary affidavits having been filed pursuant to A.R.S. §11-632, motion was made by Supervisor Stapley, seconded by Supervisor Brock, and unanimously carried, (5-0) to approve the request that duplicate warrants be issued to replace county warrants and school warrants which were either lost or stolen. (ADM1823) (ADM3809)

COUNTY

NAME	WARRANT	FUND	AMOUNT
Banner Thunderbird Medical	360502745	Expense	\$485.47
Avalon Healthcare Shadow Mountain	360508653	Expense	\$115,370.23

SCHOOL

NAME	SCHOOL	WARRANT	AMOUNT
Pamela Wright	Fountain Hills Union SD	98544497	\$138.52
Kimber Eastman	Avondale Elem SD	160015256	\$138.53
School Health Corporation	Phoenix Elem SD #1	450136293	\$239.24
Wigwam Resort	Agua Fria Union High SD	46001667	\$160.96
Joan Robinson	Queen Creek Unified #95	160016491	\$1,162.49
Reyna Durham	Scottsdale Unified SD	160143174	\$700.12
Elizabeth Duncan	Roosevelt SD	160002255	\$1,477.01
Nora Carver-Kubik	Osborn SD	160021989	\$898.93
Ashley Sandte	Fountain Hills Union SD	98544492	\$299.11
Rory McCormick	Maricopa County Regional SD	160011566	\$960.15
Georgetown University & Nkiruki Ogubchikwe	Baslz SD #31	450141887	\$500.00

DUPLICATE WARRANT RESCINDED

Motion was made by Supervisor Stapley, seconded by Supervisor Brock, and unanimously carried, (5-0) to rescind affidavit for Gila Bend Unified School District No. 24, Warrant No. 160009441, payable to Angela Hansen in the amount of \$665.32, which was approved by the Board of Supervisors on September 7, 2005. (ADM3809)

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MINUTES

Motion was made by Supervisor Stapley, seconded by Supervisor Brock, and unanimously carried, (5-0) to approve the minutes of the Board of Supervisors meetings held May 25, 2005 and June 8, 2005.

PRECINCT COMMITTEEMEN

Motion was made by Supervisor Stapley, seconded by Supervisor Brock, and unanimously carried (5-0) to authorize the appointment of precinct committeemen to fill vacancies in various precincts, pursuant to A.R.S. § 16-231.B, and removal of precinct committeemen due to disqualification in accordance with lists dated October 5, 2005, as submitted by the Elections Director, and on file in the Office of the Clerk of the Board of Supervisors and retained in accordance with the Department of Library Archives, and Public Records retention schedule. (ADM1701)

SECURED TAX ROLL CORRECTIONS

No tax roll corrections were presented at this time. (ADM705)

SETTLEMENT OF TAX CASES

Motion was made by Supervisor Stapley, seconded by Supervisor Brock, and unanimously carried, (5-0) to approve the settlement of tax cases dated October 5, 2005. (ADM704)

2003	2005
CV 03-001700	CV 04-023058
TX 03-000637	ST 04-000133
2004	ST 04-000142
CV 04-004850	TX 04-000772
TX 03-000614	TX 04-000846
TX 04-000012	TX 04-000934
TX 04-000014	TX 04-000965
TX 04-000121	2005/2006
TX 04-000278	

STALE DATED WARRANTS

No Stale Dated Warrants were presented for approval at this time. (ADM1816)

TAX ABATEMENTS

Motion was made by Supervisor Stapley, seconded by Supervisor Brock, and unanimously carried, (5-0) to approve requests for tax abatements from the Treasurer's Office. (ADM708)

Parcel #	Year	Proposed Abatement	Parcel #	Year	Proposed Abatement
140-67-001C	1994	\$1,953.08	134-14-111B	2001	\$14.09
140-67-001C	1995	\$1,952.58	134-14-111B	2002	\$12.97
140-67-001C	1996	\$2,173.22	134-14-111B	2003	\$10.82
140-67-001C	1997	\$53.59	134-14-111B	2004	\$9.04

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140-67-001C	1998	\$46.25	109-27-119A	2001	\$55.72
140-67-001C	1999	\$310.55	109-27-119A	2002	\$33.86
140-67-001C	2000	\$978.59	109-27-119A	2003	\$33.60
140-67-001C	2001	\$1,319.33	109-27-119A	2004	\$15.82
140-67-002E	1994	\$362.22	122-94-001M	2004	\$1,385.50
140-67-002E	1995	\$330.07	211-53-027H	1993	\$187.10
140-67-002E	1996	\$279.29	211-53-027H	1994	\$156.59
140-67-002E	1997	\$53.57	211-53-027H	1995	\$144.56
140-67-002E	1998	\$49.46	211-53-027H	1996	\$139.68
140-67-002E	1999	\$63.72	211-53-027H	1997	\$127.26
140-67-002E	2000	\$175.67	211-53-027H	1998	\$117.77
140-67-002E	2001	\$209.66	211-53-027H	1999	\$155.71
140-68-001B	1990	\$1,650.57	211-53-027H	2000	\$284.07
140-68-001B	1994	\$1,423.43	211-53-027H	2001	\$278.16
140-68-001B	1995	\$1,035.74	211-53-027H	2002	\$272.26
140-68-001B	1996	\$850.16	211-53-027H	2003	\$229.06
140-68-001B	1997	\$550.04	211-53-027H	2004	\$201.29
140-68-001B	1998	\$525.13	973-61-069	2002	\$11.35
140-68-001B	1999	\$323.47	304-01-004J	1997	\$63.95
140-68-001B	2000	\$978.65	304-01-004J	1998	\$62.87
140-68-001B	2001	\$1,263.65	304-01-004J	1999	\$57.85
970-87-256	1989	\$3,252.47	304-01-004J	2000	\$289.80
134-14-111B	1993	\$14.01	304-01-004J	2001	\$1,109.96
134-14-111B	1994	\$13.29	304-01-004J	2002	\$1,114.39
134-14-111B	1995	\$12.93	304-01-004J	2003	\$1,095.79
134-14-111B	1996	\$10.87	304-01-004J	2004	\$896.44
134-14-111B	1997	\$20.40	304-01-004J	2005	\$790.36
134-14-111B	1998	\$18.79	900-54-235	1993	\$7,053.38
134-14-111B	1999	\$16.94	900-65-838	1993	\$7,011.27
134-14-111B	2000	\$15.54	908-90-843	1993	\$1,871.27

TREASURER'S ANNUAL REPORT

Pursuant to A.R.S. 42-18002, motion was made by Supervisor Stapley, seconded by Supervisor Brock, and unanimously carried, (5-0) to accept the report from the County Treasurer listing the amount of annual taxes charged, collected, corrections, and taxes unpaid on the roll as of June 30, 2005, and credit all collections and corrections. Pursuant to A.R.S. 11-495(C), accept the report regarding the Taxpayer's Information Fund 41. (This report is on file in the Office of the Clerk of the Board.) (ADM4007)

WRITE-OFFS

Motion was made by Supervisor Stapley, seconded by Supervisor Brock, and unanimously carried, (5-0) to accept the requested write-offs for accounting purposes only. This item was discussed in Executive Session held September 19, 2005. (ADM407)

Aschenbrenner, Elizabeth Marie	\$350.00
Kirkz, Portia Mabel	\$136.00

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Welsh, Shawn

\$60,460.37

SETTLEMENT AND RELEASE OF CLAIMS

Motion was made by Supervisor Stapley, seconded by Supervisor Kunasek, and unanimously carried, (5-0) to approve a \$2,000 lump sum payment as settlement in exchange for release of claims for each of the following Maricopa Managed Care Systems executive and senior management-level personnel who executed Retention Incentive Agreements. The names are listed below: (Addendum item A-1) (ADM409)

Lynn Sartor, Pharmacy Director
Susan Nicholas, Compliance Director
Deborah Morgan, Director of Medical Management
Linda Polan, Chief Financial Officer
Cynthia Brennan, ALTCS Director
Francine Pechnik, Healthcare Manager
Richard Mitchell, Chief Information Officer
Christi Conwell, Director of Provider Relations
Karen Geoghan, Director of Member Services
Mehrdad Shafa, Medical Director
Theresa Robben, Administrator
Wendella Howell-Bell, Claims Director
Phyllis Biedess, Vice President Health Plans
Patricia Haren, Compliance Manager
Patricia Watkinson, Director of Program and Network Development
Glenn Lippman, Medical Director Psychiatric Services
Donald Allen, Director of Program and Network Development

SET A PUBLIC HEARING FOR ANIMAL CARE AND CONTROL FEES

Motion was made by Supervisor Stapley, seconded by Supervisor Kunasek, and unanimously carried, (5-0) to set a public hearing for 9:00 a.m. on Wednesday, November 2, 2005, at 301 W. Jefferson St, 10th Floor, to solicit comments regarding the implementation of a new fee schedule and adjustment to existing fees; and to accept the proposed fees. Pet fees include adoption of pets, vaccinations, licensing, microchipping, medical and surgical procedures; and other shelter fees. The proposed fees will be attributable to, and defray or cover the expense of the product or service for which the fees will be assessed. No fee will exceed the actual cost of the product or service provided. Maricopa County Animal Care & Control (MCACC) is not requesting an expenditure budget increase at this time. MCACC will request a budget increase and expenditure authority when specific issues arise and the need for a budget change occurs. The Office of Management and Budget has reserved additional revenue and expenditure budget capacity of \$500,000 in General Government for FY 2005-06, which would be sufficient to cover revenues and expenditures from these proposed fees. Additionally, MCACC requests the authority to temporarily reduce adoption package fees during special adoption days and special adoption events held periodically each year when the shelters become overcrowded. The resulting reduction in revenue from these events is offset by the savings in reduced euthanasia costs. (Addendum item A-2) (C7906024700) (ADM2305)

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APPOINTMENTS TO PLANNING AND ZONING COMMISSION

Motion was made by Supervisor Stapley, seconded by Supervisor Kunasek, and unanimously carried, (5-0) to re-appoint the following individuals to the Planning and Zoning Commission, representing Supervisorial District 2: (Addendum item A-3) (ADM3415-001)

- o Max Porter, whose term will be effective through November 6, 2009, and
- o Jason Barney, whose term will be effective through October 6, 2007.

SALE OF CARS TO WAVELAND AND BAY ST. LOUIS MISSISSIPPI – WITHDRAWN

Pursuant to ARS 11-251(58) authorize the sale, for one dollar each, of nine Crown Victoria police cruisers that have been “redlined” and designated for auction, along with related law enforcement equipment, to the cities of Waveland, Mississippi (5 vehicles) and Bay St. Louis Mississippi (4 vehicles), and authorize the execution of all documents necessary to effect the conveyance. List of property to be sold on file at the Office of the Clerk of the Board. Hurricane Katrina damage has left the police forces for these cities without patrol vehicles to provide basic public safety functions. THIS ACTION REQUIRES UNANIMOUS CONSENT OF THE BOARD. (Addendum item A-4)

This item was withdrawn.

IGA WITH SHCD FOR SERVICES OF COUNTY CHIEF FINANCE OFFICER

Motion was made by Supervisor Stapley, seconded by Supervisor Kunasek, and unanimously carried, (5-0) to approve the modified intergovernmental agreement between Maricopa County and the Maricopa County Special Health Care District to provide for the services of the Maricopa County Chief Finance Officer, Tom Manos, to the Special Health Care District. The Board of Supervisors originally approved this agreement on the September 21, 2005 agenda. The modified agreement incorporates the following changes: (Addendum item A-5)

- Section 3. Intent of the Agreement – designates the salary as an annual figure of “\$190,000 per year, plus existing benefits, pro-rated monthly or per fraction of a month” as opposed to an hourly or per month figure as in the original version.
- Section 6. Conflict of Interest – adds a paragraph regarding the requirement that Mr. Manos timely notify both the District and the County of any issue that could be construed as conflict between his position as Executive Director of the District and Chief Financial Officer of the County. (C3906003201)

~ Supervisor Stapley left the meeting ~

CALL TO THE PUBLIC AND SUMMARY OF CURRENT EVENTS

Dianne Barker, citizen, said she came to the meeting, “in a natural-gas propelled bus and I’m trying to be part of the solution to ease congestion and pollution, not the problem.” She encouraged the Board to take necessary steps to encourage public use of this mode of transportation in attending downtown baseball and basketball games and other events. (ADM605)

Ms. Barker also referenced the “whistle blower” case of Michael Waters (acted on earlier in this meeting) and the County’s probable appeal of the \$4.75 million awarded to him at the trial held in a Yavapai Court.

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She said his charge was for allegedly reporting fictitious environmental figures to bonds' underwriters – evidently to acquire funds for the County. She asked Supervisor Kunasek, "Are we giving truthful figures out on the environment now?"

Chairman Wilson replied that the Board may hear public comment but members are not allowed, by statute, to respond to these comments. He asked Ms. Barker to contact Supervisor Kunasek later to learn more on the matter.

Blue Crowley, citizen, referenced a CTOC (Citizens Transportation Oversight Committee) meeting he'd attended the previous evening and pointed out that Supervisor Wilcox does not have a representative from her District on that board and that he would be open to her appointing him as her representative. He mentioned several topics covered at the CTOC meeting, which had been held at 4:00 p.m. – a time he believed was not conducive to public attendance and input and he asked the County to change the timing through their representation on CTOC. He also said he has a problem with what (the County) has been accomplishing with CTOC and MAG (Maricopa Association of Governments). He cited a recent MAG regional report, which he said did not properly represent District's 4 and 5 on their maps. He stated that this was a shortsighted mistake since 65% of the County's land mass is west of the 303. He said it was improper, "When you're planning (for a region) and you don't even have it on the map." He stated that the Board has representation on CTOC and MAG, "And they're supposed to be advisory to yourselves, they work for you. Well, your member was snookered last night (in not getting his items on the agenda the mandatory two days prior to the meeting) and his items weren't heard." He continued, "My problem is that we're not planning for where the growth is going. We're not looking at the rural areas (in the west) and getting the roadways in there." He also addressed the inadequacy of plans for future rail and bus stops, asking for restrooms and treated-water spray coolers. He stated that it is time to get the system functional on a "realization" level to "get things done right." (Mr. Crowley was called on the time allowance.)

~ Supervisor Stapley returned to the meeting ~

SUPERVISORS'/COUNTY MANAGER'S SUMMARY OF CURRENT EVENTS

Supervisor Brock had attended the ceremony of the Phoenix Rescue Mission the previous day and said that the Mission assists individuals who have "hit bottom because of drugs." He reported that their Board of Directors and members do a wonderful job dealing in a very special and difficult niche in the community. (ADM606)

Supervisor Stapley referenced an earlier agenda item that was withdrawn, regarding the sale of nine Sheriff's Office Crown Victoria vehicles that are destined to be retired, for \$1 each to Waveland, Mississippi (5 vehicles) and Bay St. Louis Mississippi (4 vehicles). He said their police force vehicles had all been destroyed in the wake of Hurricane Katrina. He added that the item had been pulled for a variety of circumstances that couldn't be controlled at this time, and asked that County administrators continue to work together to try to overcome these problems. He said that such law enforcement needs were not uncommon in many of the smaller communities since their vehicles were often on patrol when the high velocity winds hit. He felt it was important for the County to help meet some of the needs suffered from that recent devastation when possible. He stated that if the difficulties can be eliminated these over-aged County vehicles would be a quick and meaningful way to help law enforcement colleagues recover from their loss.

Supervisor Wilcox commended Karen Osborne, Elections Director, who is heading the County's Combined Charitable Campaign this year, saying that Ms. Osborne is doing many new and innovative things to forward participation in the drive.

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PLANNING AND ZONING AGENDA

Sandi Wilson left the dais at the end of this portion of the Board meeting. All Board Members, as listed above, remained in session. Joy Rich, Deputy County Administrator, Darren Gerard, Deputy Planning and Development Director, and Terry Eckhardt, County Counsel, came forward to present the following Planning and Zoning cases. Votes of the Members will be recorded as follows: (aye-no-absent-abstain).

CONSENT AGENDA DETAIL:

S2005-018 District 3
Applicant: Stanley Consultants, Inc. for Anthem Arizona, LLC
Location: Southeast of Gavilan Peak Parkway and south of Deadman's Wash (in the Anthem area)
Request: Final Plat in the R1-10 RUPD zoning district for Anthem Unit 73 (approx. 40.33 gross ac.)

Motion was made by Supervisor Stapley, seconded by Supervisor Kunasek, and unanimously carried, (5-0) to accept this final plat.

S2005-022 District 3
Applicant: Stanley Consultants, Inc. for Anthem Arizona, LLC
Location: West of Gavilan Peak Parkway and south of Deadman's Wash (in the Anthem area)
Request: Final Plat in the Rural-43 and R1-6 RUPD zoning district for Anthem Unit 75A (approx. 31.57 gross ac.)

Motion was made by Supervisor Stapley, seconded by Supervisor Kunasek, and unanimously carried, (5-0) to accept this final plat.

REGULAR AGENDA DETAIL:

3. **Z2005-040 District 1**
(This item is continued from September 21, 2005)
Applicant: Scott Ward of Ward Development for Dickson Family Partnership
Location: Southwest corner of 148th Street and Ocotillo Road (in the Chandler/Gilbert area)
Request: Rezone from Rural-43 to R1-18 RUPD (approx. 41 acres) for Finisterra

COMMISSION ACTION: Commissioner Masel moved to recommend approval of Z2005-040, subject to the following stipulations "a" through "n". Commissioner Pugmire seconded the motion, which passed with a unanimous vote of 9-0.

- a. Development and use of the site shall comply with the preliminary plat/zone change exhibit entitled "Finisterra Preliminary Plat and Zone Change Exhibit", consisting of three (3) full-size sheets prepared by CMX LLC, dated July 2005, stamped by the Civil Engineer July 21, 2005, and stamped received July 22, 2005, except as modified by the following stipulations.
- b. Development and use of the site shall be generally consistent with the project narrative entitled "Narrative Report for Finisterra", consisting of five (5) pages plus exhibits,

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prepared by CMX LLC, dated revised July 21, 2005, and stamped received July 22, 2005, except as modified by the following stipulations.

- c. Landscaping, signage, screening, and amenities for the site shall be generally consistent with the landscape plan entitled, "Conceptual Landscape Plan – Finisterra", consisting of four (4) full-size sheets prepared by Greythorn Design Studio, dated July 19, 2005, and stamped received June 22, 2005, except as modified by the following stipulations.
- d. Prior to approval of a final plat, the developer shall provide written evidence that the City of Chandler entered into a pre-annexation agreement with the developer. The terms of that agreement shall state that the City of Chandler will provide water and sewer services for the subject site.
- e. This project shall not be serviced via septic systems (regardless of proposed lot sizes).
- f. All trees shall be double-staked when installed.
- g. All transformers, back-flow prevention devices, utility boxes and all other utility related ground mounted equipment shall be painted to complement the development and shall be screened with landscape material where possible. All HVAC units shall be ground-mounted.
- h. All outdoor lighting shall conform to the Maricopa County Zoning Ordinance.
- i. An archeological survey shall be submitted to and approved by the Arizona State Historic Preservation Office prior to issuance of a Grading Permit or approval of a Final Plat. The applicant must contact the State office prior to initiating disturbance of the site. The applicant shall provide the Planning and Development Department with written proof of compliance with this stipulation.
- j. The following Maricopa County Department of Transportation (MCDOT) stipulations shall apply:
 - 1. Provide total half-width of 65 feet for Ocotillo Road.
 - 2. Provide total half-width of 40 feet for 148th Street.
 - 3. Prior to issuance of any permits for development of the site, the applicant/property owners shall obtain the necessary encroachment permits from MCDOT for landscaping and other improvements within the public right-of-way.
- k. Development and use of the site shall comply with requirements for fire hydrant placement and other fire protection measures as deemed necessary by the applicable fire department. Prior to zoning clearance, the applicant shall seek review and comment from the applicable fire protection agency, and shall provide written confirmation that the site will be developed in accordance with their requirements.
- l. Prior to zoning clearance, developer(s) and/or builder(s) shall establish emergency fire protection services, covering all real property contained within the project area during

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course of construction and shall obtain a 'will serve' letter substantiating coverage from the appropriate Fire Department servicing the site.

- m. Major changes to the zoning exhibit and narrative report shall be processed as a revised application, with approval by the Board of Supervisors upon recommendation of the Planning and Zoning Commission. Minor changes may be administratively approved by the Planning and Development Department. Major changes to the project may require a new Citizen Participation Process as determined by the Planning and Development Department.
- n. Noncompliance with the conditions of approval will be treated as a violation in accordance with Chapter 14 (Violation and Penalty) of the Maricopa County Zoning Ordinance. Further, noncompliance of the conditions of approval may be grounds for the Planning and Zoning Commission to take action in accordance with Chapter 3 (Conditional Zoning).

Darren Gerard gave details on this item which was unanimously approved by the Planning Commission. It is a rezoning request for Finisterra, a 40 acre project in the Chandler/Gilbert area. He reported that there is no known public opposition. He said that staff is recommending slight revisions to stipulations "k" and "l" and explained these changes (reflected below).

Motion was made by Supervisor Brock, seconded by Supervisor Stapley, and unanimously carried, (5-0) to concur with the Planning Commission recommendation for approval with stipulations "a" through "n" and with the noted changes to stipulations "k" and "l" as noted below:

- k. Development and use of the site shall comply with requirements for fire hydrant placement and other fire protection measures as deemed necessary by the applicable fire department. Prior to ~~issuance of zoning clearance~~ Final Plat approval, the applicant shall seek review and comment from the applicable fire protection agency, and shall provide written confirmation that the site will be developed in accordance with their requirements.
- l. Prior to ~~zoning clearance~~ Final Plat approval, developer(s) and/or builder(s) shall establish emergency fire protection services, covering all real property contained within the project area during course of construction and shall obtain a 'will serve' letter substantiating coverage from the appropriate Fire Department servicing the site

4. DMP2005-003 District 2

Applicant: Rio Verde Services for 1st American Title Insurance Co.

Location: North of Rio Verde Drive and south of the Dixileta Road alignment, between 172nd Street and 184th Street (in the Rio Verde area)

Request: Major Amendment to the Vista Verde DMP to add a commercial land use for a restaurant and to reduce the number of development phases from seven to two – Vista Verde (approx. 856 acres)

COMMISSION ACTION: Commissioner Barney moved to recommend approval of DMP2005-003, subject to the following stipulations "a" through "b". Commissioner Porter seconded the motion, which passed with a unanimous vote of 7-0.

- a. Development and use of the site shall comply with the narrative reports and exhibits as approved by the Board of Supervisors for the Vista Verde Development Master Plan, cases DMP 200003 and DMP 2003006, except as modified by the narrative report titled

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"Development Master Plan Vista Verde" a bound document consisting of twenty-nine pages with figures dated revised July 28, 2005 and stamped received August 3, 2005.

- b. All other stipulations approved by the Board of Supervisors for the Vista Verde Development Master Plan per case DMP200003 and DMP2003006 shall remain in effect, as applicable.

Mr. Gerard reported on past action to this requested amendment to the Vista Verde Development Master Plan. He said there is no known public opposition and the recommendation is for approval.

Motion was made by Supervisor Stapley, seconded by Supervisor Kunasek, and unanimously carried, (5-0) to concur with the recommendation of the Planning Commission for approval with stipulations "a" and "b".

- 5. **Z2003-091** **District 5**
 Applicant: Dale Parker
 Location: Northwest corner of Dean Road and Narramore Road (in the Rainbow Valley area)
 Request: Special Use Permit (SUP) for a horse boarding facility with a waiver to the 100' setback requirement in the Rural-43 zoning district - Eagle Mountain Ranch (approx. 13 acres)

COMMISSION ACTION: Commissioner Munoz moved to recommend approval of Z2003-091, subject to the following stipulations "a" through "o". Commissioner Clayburg seconded the motion, which passed with a unanimous vote of 9-0.

- a. Development and use of the site shall be in general conformance with the site plan entitled "Special Use Permit Eagle Mountain Ranch", consisting of one (1) full-size sheet, dated May 5, 2005, and stamped received August 6, 2005, except as modified by the following stipulations.
- b. Development and use of the site shall comply with the narrative report entitled "Eagle Mountain Boarding Stable", consisting of nine (9) pages, stamped received May 24, 2005, except as modified by the following stipulations.
- c. The maximum number of horses kept on site an any given time shall not exceed 62.
- d. A Temporary Use Permit shall be obtained prior to any events as identified under MCZO Article 1302.2.2.
- e. On-site advertising shall be limited to a single four (4) foot by eight (8) foot freestanding sign. Said sign shall not encroach into any required sight visibility triangle. Advertising for any special events may only be allowed as permitted by an approved Temporary Use Permit.
- f. Animal waste shall be removed two (2) times a week.
- g. A fly control system shall be installed and properly maintained.
- h. Development and use of the site shall comply with requirements for fire hydrant placement and other fire protection measures as deemed necessary by the applicable

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fire department. The applicant shall seek review and comment from the applicable fire protection agency, and within 90 days of approval of this Special Use Permit request by the Board of Supervisors shall provide written confirmation to the Planning and Development Department that the site has been developed in accordance with their requirements.

- i. Within 90 days of approval of this Special Use Permit request by the Board of Supervisors, the applicant shall establish emergency fire protection services, covering all real property contained within the project area during course of construction and shall obtain a 'will serve' letter substantiating coverage from the appropriate Fire Department servicing the site.
- j. All outdoor lighting shall conform to the Maricopa County Zoning Ordinance.
- k. This Special Use Permit shall expire fifteen (15) years from the date of approval by the Board of Supervisors.
- l. The applicant shall submit a written report outlining the status of the development at the end of one (1) year and seven (7) years from the date of approval by the Board of Supervisors. The status report shall be reviewed by staff to determine whether the Special Use Permit remains in compliance with the approved stipulations. Additional status reports may be required as deemed appropriate by staff.
- m. Major changes to the Special Use Permit shall be processed as a revised application, with approval by the Board of Supervisors upon recommendation of the Planning and Zoning Commission. Minor changes may be administratively approved by the Planning and Development Department. Major changes to the Special Use Permit may require a new Citizen Participation Process as determined by the Planning and Development Department.
- n. Noncompliance with the conditions of approval will be treated as a violation in accordance with Chapter 14 (Violation and Penalty) of the Maricopa County Zoning Ordinance. Further, noncompliance of the conditions of approval may be grounds for the Planning and Zoning Commission to take action in accordance with the Maricopa County Zoning Ordinance.
- o. Non-compliance with the regulations administered by the Maricopa County Environmental Services Department, Maricopa County Department of Transportation, Drainage Review Division, Planning and Development Department, or the Flood Control District of Maricopa County may be grounds for initiating a revocation of this Special Use

Mr. Gerard noted that this SUP for a horse boarding facility had significant neighborhood support and no known public opposition. The recommendation was for approval.

Motion was made by Supervisor Wilcox, seconded by Supervisor Stapley, and unanimously carried, (5-0) to concur with the Planning Commission's recommendation for approval subject to stipulations "a" through "o."

6. **Z2005-053 District 4**
 Applicant: Earl, Curley & Lagard, PLLC for Shea Homes

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Location: Northeast corner of Jackrabbit Trail and Camelback Road (in the west Glendale area)
Request: Major Amendment to the RUPD zoning standards – Jackrabbit Estates (approx. 141 acres)

COMMISSION ACTION: Commissioner Jones moved to recommend approval of Z2005-053, subject to the following stipulations “a” through “h”. Commissioner Clayburg seconded the motion, which passed with a unanimous vote of 9-0.

- a. Development of the site shall comply with the zoning exhibit entitled “Zoning Exhibit for Jackrabbit Estates” consisting of one (1) full-size sheet, dated August 1, 2005 and stamped received August 4, 2005, except as modified by the following stipulations.
- b. Development of the site shall be in conformance with the narrative report entitled “Jackrabbit Estates RUPD Amendment Narrative”, consisting of four (4) pages, dated August 1, 2005 and stamped received August 4, 2005, except as modified by the following stipulations.
- c. One hundred fifty dollars (\$150) per house will be paid by the developer as each residential building permit is issued to a fund for the White Tank Mountain Regional Park for trails and facilities enhancement and maintenance. The county shall deposit and hold all receipts in the parks special revenue fund for the specific purposes stated above. All interest earned on the fund shall remain an asset of the fund. The assets of this fund are not intended to replace existing county appropriations for similar purposes, but rather are intended as supplemental resources resulting from additional park usage by Jackrabbit Estates residents. Maricopa County Parks and Recreation Department will provide each residential unit in Jackrabbit Estates with a one-year, seventy-five dollar (\$75) voucher toward the purchase of an annual pass for entrance into any desert mountain regional park administered by said department, except Lake Pleasant Regional Park.
- d. Development and use of the site shall comply with requirements for fire hydrant placement and other fire protection measures as deemed necessary by the applicable fire department. Prior to issuance of zoning clearance, the applicant shall seek review and comment from the applicable fire protection agency, and shall provide written confirmation that the site will be developed in accordance with their requirements.
- e. Prior to zoning clearance, developer(s) and/or builder(s) shall establish emergency fire protection services, covering all real property contained within the project area during course of construction and shall obtain a ‘will serve’ letter substantiating coverage from the appropriate Fire Department servicing the site.
- f. Prior to final plat approval, a licensed engineering investigation of the site shall be conducted and submitted identifying any land subsidence or earth fissuring which affect the site and the report shall include suggested mitigation. The final plat shall have a note that the property is within an area of known land subsidence and/or earth fissuring. Further, notice that the property is in area of known land subsidence and/or earth fissuring and a definition of both land subsidence and earth fissures shall be prominently displayed in the sales office, in the covenants, conditions and restrictions (CC&Rs), and in any disclosure statements for conveyance documents. However, if said report

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concludes negative impact regarding land subsidence and/or earth fissuring the required notification may include such results.

- g. Prior to approval of the final plat, the applicant shall submit a Certificate of 100 Year Assured Water Supply in the name of Shea Homes, or shall provide written verification from Arizona Department of Water Resources (ADWR) that the existing ADWR certificate number 27-401546.000 dated January 24, 2005 is still applicable to the site.
- h. Continued compliance with the stipulations of approval for case Z2001-104 and S2004-011, as applicable.

Mr. Gerard noted that items number 6 and 7 are related (Z2005-053 and S2004-075) and gave background on both. The recommendation is for approval with changes to stipulations "d" and "e" in this item (No. 6), as explained by Mr. Gerard and as given below.

Motion was made by Supervisor Kunasek, seconded by Supervisor Wilcox, and unanimously carried, (5-0) to concur with the Planning Commission for approval with stipulations "a" through "h" incorporating the following changes to stipulations "d" and "e."

- d. Development and use of the site shall comply with requirements for fire hydrant placement and other fire protection measures as deemed necessary by the applicable fire department. Prior to ~~issuance of zoning clearance~~ Final Plat approval, the applicant shall seek review and comment from the applicable fire protection agency, and shall provide written confirmation that the site will be developed in accordance with their requirements.
- e. Prior to ~~zoning clearance~~ Final Plat approval, developer(s) and/or builder(s) shall establish emergency fire protection services, covering all real property contained within the project area during course of construction and shall obtain a 'will serve' letter substantiating coverage from the appropriate Fire Department servicing the site.

7. **S2004-075 District 4**
 Applicant: United Engineering, LLC for Shea Homes
 Location: Northeast corner of Jackrabbit Trail and Camelback Road (in the west Glendale area)
 Request: Final Plat in the R1-10 RUPD zoning district for Jackrabbit Estates (approx. 140.83 gross ac.)

Motion was made by Supervisor Kunasek, seconded by Supervisor Wilcox, and unanimously carried, (5-0) to concur with the Planning Commission recommendation for approval.

MEETING ADJOURNED

There being no further business to come before the Board, the meeting was adjourned.

Max W. Wilson, Chairman of the Board

ATTEST:

Fran McCarroll, Clerk of the Board